

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ROBERT G. BONANATA,**

**Defendant.**

**CASE NO. 8:11CR418**

**AMENDED TENTATIVE FINDINGS**

The Court has received the Revised Presentence Investigation Report ("PSR") and the Defendant's objections thereto (Filing No. 39). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to ¶¶ 4, 16, 17, 25, and 27 of the PSR. Specifically, he objects to the 2-level upward adjustment for obstruction of justice and the lack of a downward adjustment for acceptance of responsibility. The objects will be heard at sentencing. The Court recognizes that the issues are related; however, the government has the burden of proof by a preponderance of the evidence with respect to the obstruction of justice issue, and the Defendant has the same burden with respect to the acceptance of responsibility issue.

**IT IS ORDERED:**

1. The Defendant's objections to ¶¶ 4, 16, 17, 25, and 27 of the PSR will be heard at sentencing;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 5<sup>th</sup> day of June, 2012.

BY THE COURT:

S/ Laurie Smith Camp  
Chief United States District Judge